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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,082	06/15/2001	Alan P. Cavallerano	PHA 23,534A	1510

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

SAJOUS, WESNER

ART UNIT PAPER NUMBER

2676

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,082

Applicant(s)

CAVALLERANO ET AL.

Examiner

Wesner Sajous

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6,7,9-11,16,18 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4,6,9-11,16 and 18 is/are allowed.
- 6) ☒ Claim(s) 7 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2676

DETAILED ACTION

REMARKS

This communication is responsive to the response dated September 21, 2005. Claims 2, 4, 6, 7, 9-11, 16, 18 and 23 are presented for examination. Claims 1, 3, 5, 8, 12-15, 17, 19-22, and 24-27 are cancelled without disclaimer.

Allowable Subject Matter

1. The indicated allowability of claims 7 and 23 is withdrawn in view of the newly discovered reference(s) to Cragun et al. (US 5859662). Rejections based on the newly cited reference(s) follow. The Examiner apologizes for the inconvenience that may cause your party.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 2676

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 7 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cragun et al. (US 5859662).

Considering claim 1, Cragun discloses a device (101, fig. 1) for receiving a video and/or audio signal comprising a plurality of different programs (*see col. 3, lines 53-60*) comprises an input (inherent in item 101 of fig. 1) that receives the video and/or audio signal; and a user interface (111) that receives a user input (*via keyboard 120*) identifying an event (*e.g., a keyword descriptive of a television signal*) to be detected; a detector (103, fig. 1) that analyzes the video and/or audio signal of at least one program to detect the identified event in the program; a selector (101, fig. 1) for automatically, upon detection of the identified event, providing to a display the program containing the event; and a memory (*e.g., buffer 222, fig. 2*) for storing a particular length of audio/video information such that the program containing the identified event is delayed when supplied to the display upon detection of the event (*see col. 2, line 26 to col. 3, line 14 and col. 5, line 49 to col. 6, line 39, and col. 10, line 56 to col. 12, line 59, wherein the delay is caused when the detected program event is stored in the buffer*).

The invention of claim 23 contains features that are analogous to the limitations recited in claim 7. This being the case, the limitations recited in claim 23 are rejected under the same rationale as claim 7. In addition, Cragun discloses a process of detecting text in a video signal (*see col. 12, lines 41-59*); the first receiving step (101, fig. 1); the decoding step (101 & 103); the second receiving step (101, fig. 1); the

Art Unit: 2676

detecting step (103); the provision to the display step (see items 101 & 116); and the delay step (is met by item 222 of fig. 2). See col. 5, line 49 to col. 12, line 59.

4. Claims 7 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al. (US 6061056).

Considering claim 1, Menard discloses a device (e.g., a tuner, see fig. 1) for receiving a video and/or audio signal comprising a plurality of different programs comprises an input (inherent to the tuner of fig. 1) that receives the video and/or audio signal; and a user interface that receives a user input identifying an event to be detected; a detector that analyzes the video and/or audio signal of at least one program to detect the identified event in the program; a selector for automatically, upon detection of the identified event, providing to a display the program containing the event; and a memory (19, fig. 2) for storing a particular length of audio/video information such that the program containing the identified event is delayed when supplied to the display upon detection of the event (see col. 2, lines 1-67, col. 4, line 63 to col. 7, line 4, and col. 7, line 60 to col. 8, line 57).

The invention of claim 23 contains features that are analogous to the limitations recited in claim 7. This being the case, the limitations recited in claim 23 are rejected under the same rationale as claim 7.

Allowable Subject Matter

6. Claims 2, 4, 6, 9-11, 16, and 18 are allowed because the prior art of record fails to suggest a method and apparatus for detecting audio and video events from at least one program and using a speech recognition device, a text recognition device, and a shape detector device analyzing MPEG-4 video information in the form of DCT coefficient patterns.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 AM and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 09/882,082

Page 6

Art Unit: 2676

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous -WS-


December 13, 2005